IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.24166 of 2008
MURTAZA ANASARI
Versus
STATE OF BIHAR
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2. 2.7.2008 Heard.

The case has been registered under sections 341, 323, 379 and 504/34 of the Indian Penal Code. There is counter version to the occurrence also as appears from the rejection order itself. Learned Sessions Judge has referred to the supervision note and thereunder has noted down the case has been found to be under section 307 of the Indian Penal Code by the police. Learned Sessions Judge could be advised to confine himself to the findings of the investigating officer and materials collected by him in the case diary. Supervision note could never be a part of the investigation and those do not have any value as regards the ultimate judicial opinion to be formed on the police report. Even after going through the recent report what appears is that it could never be a case under section 307 of the Indian Penal Code as there is no allegation that the accused fired from the country made gun. The allegation could only be translated into english as the accused assaulted with fire arm. This was the glaring circumstance which the learned Judge must have taken into account while rejecting the prayer for bail in such a simple character.

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Regard being had to the facts and circumstances above, let petitioner namely Murtaza Ansari be released on bail on furnishing bail bond of Rs.3,000/-(Three thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Ara, in connection with

Ara Town P.S. case no.244 of 2007.

sudip **(Dharnidhar Jha, J)**

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